

# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**BOOK PEOPLE, INC., VBK d/b/a BLUE  
WILLOW BOOKSHOP, AMERICAN  
BOOKSELLERS ASSOCIATION,  
ASSOCIATION OF AMERICAN  
PUBLISHERS, INC., AUTHORS  
GUILD, INC., COMIC BOOK LEGAL  
DEFENSE FUND,**

**Plaintiffs,**

**v.**

**MARTHA WONG in her official capacity  
as chair of the Texas State Library and  
Archives Commission, KEVEN ELLIS in  
his official capacity as chair of the Texas  
Board of Education, MIKE MORATH in  
his official capacity as Commissioner of  
Education,**

**Defendants.**

**CASE NO.**

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**DECLARATION OF CHARLEY REJSEK**

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Pursuant to 28 U.S.C. § 1746, Charley Rejsek declares:

1. My name is Charley Rejsek. I am over twenty-one (21) years of age and am fully competent to testify about the matters contained herein. The following statements are made within my personal knowledge and are true and correct.

2. I am the CEO of Book People, Inc., (“BookPeople”) an independent bookstore that sells new books in Austin, Texas. I have been the CEO of BookPeople since 2022 and previously served as the company’s general manager.

3. BookPeople was founded in 1970 as Grok Books. Since its founding, BookPeople has sold books and other library materials to Texas school districts for use in their school libraries.

4. BookPeople is an authorized vendor to many school districts.

5. BookPeople sells books and other library materials to schools and teachers for school use in response to RFQs from school contacts, in response to online orders, in the bookstore, and at offsite events, festivals, school events, bookfairs, and conferences.

6. Book People is the official bookseller for the Texas Book Festival co-founded by former First Lady Laura Bush.

7. BookPeople intends to continue selling books and other library materials to Texas school districts for use in school libraries in the future.

8. BookPeople is not able to comply with H.B. 900 (the “Book Ban”), which requires BookPeople to identify and rate every book it has ever sold to a public school district that is “still in active use.”

9. BookPeople does not have complete records detailing all products sold to schools during its 53 years in business, so it cannot identify all books previously sold to school districts, as the Book Ban requires.

10. BookPeople has changed record-keeping and inventory systems several times in its 53-year history and records from previous decades have largely been lost. BookPeople did not expect that it would someday need to access these decades-old records in order to comply with a government mandate.

11. Because BookPeople does not have records of all sales during its existence, it also has no way of knowing which books sold by BookPeople are still “in active use” by a school district. BookPeople does not have any way of ascertaining this information. BookPeople does not have records of every school district to which it has sold books.

12. BookPeople does not ask its customers to specify how the books they are purchasing will be used.

13. Even if BookPeople had records of its sales, BookPeople would be unable to comply with the Book Ban's rating requirements.

14. Many of the books that BookPeople has previously sold would no longer be in our current inventory. The Book Ban requires us to review and rate these books—which are not in our possession—regardless of whether we plan to sell them in the future. These are books that BookPeople was well within its rights to sell at the time. The Book Ban now forces us to—decades after the fact—obtain and review these books.

15. BookPeople is a fixed-price bookseller; the vast majority of our books arrive with the price already printed on the book. As a result, BookPeople operates with very narrow profit margins.

16. The financial resources that would be required to have BookPeople's staff identify, read and rate every book that BookPeople sells—or has ever sold—to school districts, as the Book Ban requires, would be financially unsustainable. As CEO, I do not see any way for BookPeople to comply with the Book Ban and remain in business.

17. Even if BookPeople did have the resources to comply with the Book Ban, our staff would not know how to rate books based on the subjective nature of the Book Ban's rating requirements. For instance, the Book Ban requires BookPeople to assess books based on "current community standards," but which community? BookPeople is based in Austin, Texas, but serves many communities throughout the State, each of which has its own community character. Our ratings would necessarily differ from vendors who serve other communities.

18. Our ratings would also consider the age-appropriateness of a given work. However, the Book Ban does not specify what age group we should consider in reviewing the works. This alone makes it impossible to apply an accurate rating.

19. Even if BookPeople could rate these materials according to the State's criteria, BookPeople does not believe it should be compelled to provide these ratings, based on criteria in which it does not agree, in order to sell books to public schools.

20. If BookPeople does rate these books, our ratings can still be overridden by the State and then publicly posted as if they represent our own speech. BookPeople would not want customers to believe these ratings reflect its views on the books. But if BookPeople resists adopting the State's ratings, then we will be identified on the State's public blacklist, which would cause reputational damage to the company.

21. I am also concerned that the public posting of any ratings by BookPeople would lead to stigma and reputational harm for BookPeople. If BookPeople does participate in this system of compelled speech, we stand to lose customers who disagree with the Book Ban.

22. The Book Ban also states that if we do not comply with the State's ratings, the State will prevent us from selling *any* books to public schools. This will cause direct financial harm.

23. The law does not specify how long BookPeople would be banned if it runs afoul of the State's rating regime, so BookPeople cannot fully assess whether to comply. Nor does the law explain how the State will handle ratings that differ among vendors—an inevitable outcome when numerous vendors are being asked to review thousands of works.

24. BookPeople does not have clarity as to whether it can continue selling books to Texas public school districts between the law's effective date (September 1, 2023) and the date that its ratings are due to be submitted (April 1, 2024).

25. BookPeople is a community bookstore and we want to continue supporting *all* schools in our area. By imposing an unfunded mandate to review and rate every book that we have ever sold to a public school, the State of Texas will force BookPeople to discontinue its work with local public schools, in violation of its First Amendment rights.

26. If BookPeople was not able to work with local public schools, its reputation and commitment to serving the community would be harmed.

27. I hereby declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed this 23rd day of July, 2023.

/s/ Charley Rejsek

Charley Rejsek